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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 MARIA GUADALUPE BARRIOS DE
15 BARRERA,

Defendant.

CASE NO. 12cr1130 DMS

**ORDER DENYING MOTION TO
VACATE, SET ASIDE OR
CORRECT SENTENCE**

16 On April 17, 2012, Defendant Maria Guadalupe Barrios de Barrera pleaded guilty to one count
17 of violation of 21 U.S.C. §§ 952 and 960. This Court sentenced Defendant on August 16, 2012. On
18 October 22, 2012, Defendant filed the present motion to vacate, set aside or correct her sentence
19 pursuant to 28 U.S.C. § 2255. The United States filed a response to the motion. Defendant did not
20 file a reply.

21 In the motion, Defendant argues her counsel was ineffective because he (1) failed to file a
22 notice of appeal, (2) failed to challenge the quantity and purity of the drugs, (3) was unavailable and
23 (4) underestimated the sentencing range. The Court rejects these arguments because Defendant fails
24 to demonstrate that her counsel did anything to result in her unknowing or involuntary waiver of her

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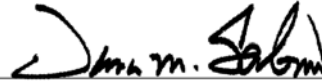
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1 rights. Even if she had, Defendant fails to show that she suffered any prejudice as a result. For these
2 reasons, Defendant's motion to vacate, set aside or correct her sentence is denied.

3 **IT IS SO ORDERED.**

4 DATED: April 2, 2013



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6 HON. DANA M. SABRAW
7 United States District Judge
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